

RICHARD F. STERN, ESQUIRE
STEVEN K. EISENBERG, ESQUIRE
KEVIN P. DISKIN, ESQUIRE
STERN AND EISENBERG LLP
THE PAVILION
261 OLD YORK ROAD, SUITE 410
JENKINTOWN, PENNSYLVANIA 19046
TELEPHONE: (215) 572-8111
FACSIMILE: (215) 572-5025
(COUNSEL FOR MOVANT)

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re:

Mitchell D. Hartley and Sandra W. Hartley
Debtor(s)

Chapter 7

Bankruptcy Case: 10-30169

Hearing Date: 3/22/2011 @ 10:30 AM

Judge Stephen Raslavich

Courtroom: 4

Motion of HSBC Bank USA, N.A., as Trustee, by its attorney in fact, Ocwen Loan Servicing, LLC For Relief from the Automatic Stay under 11 U.S.C. UNDER §362(d) (and 1301) With Respect to Property: 432 Avenue A, Horsham, PA (the "Property")

HSBC Bank USA, N.A., as Trustee, by its attorney in fact, Ocwen Loan Servicing, LLC (hereinafter "Ocwen"), through its Counsel, Stern and Eisenberg LLP, respectfully requests the Court grant its Motion for Relief and in support thereof respectfully represents as follows:

1. Movant is HSBC Bank USA, N.A., as Trustee for the registered Noteholders of Renaissance Home Equity Loan Truste 2006-3, by its attorney in fact, Ocwen Loan Servicing, LLC with a place of business located at 1661 Worthington Road, Suite 100 , West Palm Beach, FL 33409.
2. Debtor(s) are Mitchell D. Hartley and Sandra W. Hartley (hereinafter "Debtor(s)"), adult individuals whose last-known address is 432 Avenue A, Horsham, PA 19044.
3. On 07/13/2006, Debtor(s) signed a note and mortgage in the principal sum of \$255,000.00, evidencing a loan from MERS, Inc., as nominee for Fidelity Mortgage in the same amount, secured by the Property, as evidenced by a mortgage duly

recorded at the Recorded of Deeds for Montgomery County on 07/26/2006 in Book11856 at Page 256.

4. By Assignment of Mortgage, the loan was ultimately assigned to HSBC Bank USA, N.A., as Trustee, by its attorney in fact, Ocwen Loan Servicing, LLC.
5. On November 25, 2009, the Property was sold at Sheriff Sale by the Sheriff of Montgomery 2007-05336 County in connection with the foreclosure action in the Court of Common Pleas, 2009-16887.
6. The Deed was recorded on January 19, 2010 at Bk 5756-1864, prior to the instant bankruptcy proceeding.
7. Debtor filed the instant Chapter 7 Bankruptcy on 11/23/2010 and as a result, any State Court proceedings were stayed. HSBC had court order lock out from its ejectment proceeding the scheduled for the same day.
8. It is believed and therefore averred that Debtor(s) filed the instant bankruptcy as an additional delay in order to prevent Movant from proceeding with the State Court proceedings.
9. The Debtor(s) no longer has any rights in the Property as a result of the sheriff sale and recorded deed.
10. As a result of the sheriff sale and deed, Debtor(s)' cannot provide any adequate protection and HSBC is entitled to relief.
11. Movant requests that the automatic stay be annulled and that the stay of Bankruptcy Rule 4001 (a)(3) be waived.

WHEREFORE, Movant, HSBC Bank USA, N.A., as Trustee, by its attorney in fact, Ocwen Loan Servicing, LLC respectfully requests this Court to grant the appropriate relief under 11 U.S.C. §362 (and 1301) from the automatic stay as set forth in the proposed order.

Respectfully submitted,

BY: STERN AND EISENBERG LLP
/s/ Steven K. Eisenberg
STEVEN K. EISENBERG,
KEVIN P. DISKIN,
Stern and Eisenberg LLP
261 Old York Road, Suite 410
Jenkintown, PA 19046
215-572-8111
I.D. #75736
Attorney for Movant